

REMARKS

Claims 1-11 were presented for examination. Claims 1, 2, 7 and 9-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kuroda. Dependent claims 3, 6 and 8 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kuroda.

Claim 1 has been amended to more clearly define the file storage flash memory. In particular, claim 1, as amended, recites a memory system for a portable telephone including a signal transmission/reception portion for transmitting and receiving a signal and a control portion for controlling at least a signal transmission and reception operation of the transmission/reception portion. The memory system comprises:

- a random access memory providing a working area for the control portion; and
- a flash memory including a memory array storing a program for the control portion and at least transmission and reception data in a non-volatile manner under a control of the control portion.

The claim specifies that the memory array is divided into a plurality of storage units, and a register, provided commonly to the respective storage units, having information in a storage unit of the plurality of storage units transmitted thereinto and allowing serial readout of the transmitted information.

Claims 2-7 and 9 have been amended to make them consistent with the amended claim 1. Claims 10 and 11 have been made dependent from claim 1.

Newly added claims 12-19 further define the claimed invention. In particular, independent claim 12 recites that the memory system comprises:

- a random access memory providing a working area for the control portion; and

- a flash memory including a memory array storing a program for the control portion and at least transmission and reception data in a non-volatile manner under a control of the control portion.

The claim specifies that the memory array is divided into a plurality of storage units. Information in one unit of the storage units is allowed to be serially read out in synchronization with a clock signal.

As demonstrated below, Kuroda does not teach or suggest the claimed features.

First, as Applicants submitted in the previous Response, the reference does not teach that the flash memory of Kuroda stores a program for the control portion, and transmission and reception data in a non-volatile manner under a control of the control portion. The Examiner relies upon col. 5, lines 30-33 and col. 6 lines 21-23 for disclosing that the flash memory stores "the program to be executed by the CPU," and asserts that "every function of the CPU taught by Kuroda also applies to the telephone."

However, this portion of the reference describes that the flash memory storing information to be processed by a CPU can be programmed with any data and program. Kuroda does not describe a specific CPU control program and does not suggest storing a program for the control portion, that controls at least a signal transmission and reception operation of the transmission/reception portion, and at least transmission and reception data in a non-volatile manner under a control of the control portion, as independent claims 1 and 12 require.

Kuroda discloses a flash memory storing a reprogramming control program shown in FIG. 37. When the contents of the flash memory are rewritten, the reprogramming control program is read into the RAM, and the CPU reads the reprogramming control program stored in the RAM to execute the reprogramming of the flash memory. The reprogramming control program is a

dedicated control program for reprogramming the flash memory, but is not a control program for controlling a transmission/reception operation in the portable telephone, as claims 1 and 12 require.

Although the reference discloses that the CPU is supplied with a dial number, the telephone number stored in the flash memory is used for redialing operations. Specifically, the redialing mode is set using a mode selector such as a key, and the redialing is performed using the stored telephone number. Therefore, the stored telephone number is not a control program or data for controlling a transmission/reception operation. Also, it is noted that the memorandum information may be reproduced when a memo reproducing mode is set. This information is not control information for controlling the reproducing mode.

Hence, Kuroda neither expressly nor inherently discloses the flash memory for storing a program for the control portion, that controls at least a signal transmission and reception operation of the transmission/reception portion, and at least transmission and reception data in a non-volatile manner under a control of the control portion, as independent claims 1 and 12 require.

Moreover, the reference does not teach or suggest the memory arrays recited in claims 1 and 12.

Further, in the previous response the applicant submitted that the RAM shown in FIG 1 of the reference and considered by the Examiner to correspond to the claimed RAM does not provide a working area for controlling at least a signal transmission and reception operation of the transmission/reception portion for a portable telephone, as the claims require.

The Examiner did not address this argument.

It is noted that in connection with claim 9, the Examiner asserts that in col. 5, lines 30 to 32, Kuroda discloses that storage data to be processed by CPU are serially read into CPU from the memory. The Examiner's assertion is respectfully traversed.

If a memory is an instruction memory for storing instructions, then the instructions are serially read out into CPU from the memory. However, for data memories, such as a memory described by Kuroda, data are randomly accessed. Accordingly, Kuroda does not describe the serial readout of the stored information required by claims 1 and 12. Kuroda merely discloses the data writing in units of bytes and on a 4-byte by 4-byte basis in a page mode.

Hence, the reference does not teach or suggest the flash memory comprising the memory array arranged and operating in the manners required by independent claims 1 and 12.

Further, in connection with claim 7, the Examiner considers the NAND gate G1 of Kuroda to correspond to the AND type file storage flash memory. However, the NAND gate G1 is a component of a level-detecting circuit for detecting a program/erase voltage, and is not an AND type file storage flash memory.

In addition, in connection with claims 3-6 and 8 rejected under 35 U.S.C. § 103, the Examiner admits that Kuroda does not disclose the subject matter of these claims. However, he takes the position that the claimed structures would have been obvious for one skilled in the art. The Examiner's position is respectfully traversed.

In the application of a rejection under 35 U.S.C. § 103, it is incumbent upon the Examiner to factually support a conclusion of obviousness. The Examiner must provide reasons why one having ordinary skill in the art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. *Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 281, 227 USPQ 657 (Fed. Cir. 1985). *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967).

These showings by the Examiner are an essential part of complying with the burden of presenting a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992).

However, the Examiner has failed to provide the requisite reasons for modifying Kuroda and thus to establish a *prima facie* case of obviousness. If the Examiner relied upon common knowledge of the art or "well known" prior art without expressly indicating such reliance, the Examiner is respectfully requested to cite a reference in support of his position (see MPEP 2144.03).

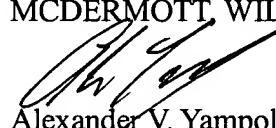
Further, it is submitted that the reference does not teach or suggest the subject matter recited in newly-added dependent claims 13-19.

In view of the foregoing, and in summary, claims 1-19 are considered to be in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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